98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-240

HIGHWAY EMERGENCY RELIEF

JUNE 13, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 3103]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 3103) to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983, from $100,000,000 to $250,000,000, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.".

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges, or

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(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6 Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

BACKGROUND

Under present law, section 125 of Title 23, United States Code, authorizes $100 million a year for the repair or reconstruction of highways, roads, and trails on the Federal-aid highway system which the Secretary of Transportation finds have suffered severe damage as a result of natural disaster, or catastrophic failures from any external cause. No State may presently be allocated more than $30 million for repair or reconstruction work made necessary by a single natural disaster or a single catastrophic failure in a single year.

The $100 million authorized in section 125 has generally been adequate to meet the Nation's emergency relief needs. In fiscal year 1983, though, severe weather damage was sustained by the Federal-aid highway system in many parts of the country. Emergency relief needs are expected to far exceed presently available funding. Additionally, and tragically, the damage has already exceeded, or will exceed, $30 million in some States.

The committee believes that it is appropriate at this time to make available an additional amount of funding from the Highway Trust Fund to meet legitimate emergency relief needs, and to remove restrictions on the amount a single State may be allocated from the additional sums authorized.

Among those sections of the country impacted by natural disaster are the Virgin Islands. Prior to enactment of the Surface Transportation Assistance Act of 1982 (STAA), none of the Nation's territories had roads designated on the Federal-aid highway system. The STAA permitted the Virgin Islands, American Samoa, and Guam, to designate mileage on the Federal-aid Primary System, but failed to make this mileage eligible for funding under the section 125 emergency relief program.

PURPOSE

The purpose of H.R. 3103 is to provide an additonal $150 million in fiscal year 1983 budget authority to meet the Nation's needs to repair and reconstruct highways, roads, and trails on the Federal-aid highway system resulting from severe weather damage in widely scattered areas of the country.

Section 3 provides that there shall be no restriction on the amount that any State may be allocated from the $150 million authorized by this bill.

Sections 4 and 5 of H.R. 3103 clarify that the replacement of an inadequate box culvert under an interstate highway, or the construction of diversion channels, in the vicinity of Carencro, La., and the repair or reconstruction of a segment of Route 1, a highway on the Federal-aid Primary System in San Mateo County, Calif., popularly known as "Devil's Slide," are eligible for funding from the section 125 emergency relief program.

H.R. 3103 also provides that the territories shall be eligible for funding under the emergency relief program, subject to a limitation of $5 million in any fiscal year other than 1983.

Section 6 contains a clarifying amendment reaffirming the intent of Congress, underlying the provisions of the Surface Transportation Assistance Act of 1978 expanding the highway bridge replacement program, that a bridge project for a crossing of the Illinois River in the vicinity of Valley City and Florence, Ill., be eligible for funding under the bridge replacement program, 23 U.S.C. 144.

This was one of the first bridge projects designated for discretionary funding under the program and has been allocated a total of $29.3 million, including an allocation of $14 million in 1979 and $15.3 million in 1980. A U.S. district court has ruled this project ineligible for funding under the program, notwithstanding legislative history and determinations of the Federal Highway Administration. Because this committee has consistently considered this project to be in conformity with the law, and because some of the funds already set aside for it may well lapse before any appeal can finally be adjudicated, the committee has included this provision in this bill to resolve the matter beyond question as quickly as possible so this long-delayed project may proceed.

Compliance With Clause 2(l) of Rule XI of the House of Representatives

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, there have been no separate funding findings and recommendations on the subject matter of this legislation submitted by the Subcommittee on Investigations and Oversight.

(2) Pursuant to clause 4(c)(2) of rule X and clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the committee by the Committee on Government Operations.

(3) Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives requires that the report of any committee on a measure which has been approved by the committee shall include the statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974, if the measure provides new budget authority or new or increased tax expenditures.

With respect to section 308(a)(1) (A) and (B), the letter submitted by the Director of the Congressional Budget Office under (5) below satisfies the requirement.

With respect to section 308(a)(1)(C), of the Congressional Budget and Impoundment Control Act of 1974, most of the new budget authority provided in the reported bill is for financial assistance to State and local governments. A portion is expended directly by the Secretary for the repair or reconstruction of Federal-aid highways on Federal lands.

(4) Clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives requires that the report of any committee on a measure which has been approved by the committee shall include the statement required by section 403 of the Congressional Budget Act. The letter submitted by the Director of the Congressional Budget Office under (5) below satisfies this requirement.

(5) The committee has received the following report prepared by the Congressional Budget Office under sections 308(a) and 403 of the Congressional Budget Act.

The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 10, 1983.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Sections 308(a) and 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 3103, a bill to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100 million to $250 million, and for other purposes, as ordered reported by the House Committee on Public Works and Transportation, June 8, 1983.

This bill provides an additional $150 million of direct spending contract authority in fiscal year 1983 for emergency relief highway programs administered by the Federal Highway Administration. In addition to providing new funds for emergency relief, the bill makes the construction of a certain bridge eligible for assistance under the highway bridge replacement program.

The emergency relief program is exempt from the federal-aid highway obligation limitation, and because it is direct spending, does not require subsequent appropriations action (except for the provision of liquidating cash). CBO estimates that of the amount provided, approximately $25 million will be spent in fiscal year 1983, approximately $100 million in fiscal year 1984, and approximately $25 million in fiscal year 1985.

These amounts represent grants to states. The federal share of the emergency relief program has customarily been 100 percent; therefore, there are not likely to be any significant additional costs to State and local governments.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

(6) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, passage of H.R. 3103 should have a negligible inflationary impact on prices and costs in the operation of the national economy.

Cost of Legislation

In accordance with rule XIII(7) of the Rules of the House of Representatives, the cost to the United States in carrying out H.R. 3103, as reported, in fiscal year 1983, and in each of the five following fiscal years, is estimated by the committee to be costs which appear in the report of the Congressional Budget Office.

Vote

The bill was reported by unanimous consent of the committee.

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 125 OF TITLE 23, UNITED STATES CODE

§ 125. Emergency relief.

(a) * * *

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors, in accordance with the provisions of this chapter: *Provided*, That (1) obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State, *and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.* Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the disaster Relief Act of 1974 (Public Law 93–288) concurrence of the Secretary is not required.

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are routes functionally classified as arterials or major collectors.

(*d*) *For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.*

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